



CITY OF FRANKLIN PURCHASING POLICIES AND PROCEDURES

Adopted: April 12, 2021

**Administered by
City of Franklin
Purchasing Department**

*These City of Franklin Purchasing Policies and Procedures
supersede all prior policies, including the
"Purchase & Procurement Manual"
adopted November 10, 2014.*

1. INTRODUCTION/AUTHORITY

These City of Franklin Purchasing Policies and Procedures (the “Policies and Procedures”) are adopted pursuant to Section 2.2-4302 of the Code of Virginia, 1950, as amended. These Policies and Procedures and the Virginia Public Procurement Act (the “VPPA”, Sections 2.2-4300 through -4383 of the Code of Virginia, 1950, as amended, and as it may be amended from time to time), govern all City of Franklin purchasing transactions. All section references in this document are to the Code of Virginia, 1950, as amended. In case of discrepancies between these Policies and Procedures and the VPPA, the VPPA requirements shall prevail.

The Purchasing Department is authorized to develop and maintain forms to implement these Policies and Procedures that are consistent therewith.

2. EFFECTIVE DATE

These Policies and Procedures shall take effect immediately upon adoption.

3. DEFINITIONS

- A. For purposes of these Policies and Procedures, the following words and phrases shall have the following meanings ascribed to them by City of Franklin.

“*Department Head*” collectively refers to City Department Heads, Constitutional Officers, or other staff as authorized by the City Manager.

“*Invitation for Bids (IFB)*” is the document used to solicit formal bids for large purchases where the award is determined by the lowest responsive and responsible bidder. Bids are sealed.

“*Large Purchase*” is a purchase for (1) goods and nonprofessional services in which the aggregate cost or the sum of all phases is \$100,000 or greater, (2) professional services in which the aggregate cost or the sum of all phases is \$80,000 or greater, or (3) transportation-related construction in which the aggregate cost or the sum of all phases is \$25,000 or greater.

“*Micro purchase*” is a purchase under \$5,000. Micro purchases shall not require competitive bidding or competitive negotiation, although competition is encouraged, wherever practicable.

“*Non-Transportation-Related Construction*” is a construction project that does not require Virginia Department of Transportation approval.

“*Purchasing Department*” and/or “*Purchasing Agent*”, for the purposes of these Policies and Procedures, means the Director of Finance and/or his/her designee.

“*Request for Proposals (RFP)*” is the document used to solicit formal proposals for large purchases where the award is based on factors other than price, but where price is still a factor.

“Request for Quotations (RFQ)” is the document used to solicit informal quotes or proposals for small purchases. The winning quote or proposal is determined by either the lowest price or other determining factors listed in the solicitation. Quotes and proposals are unsealed.

“Small Purchase” is a purchase for (1) goods, nonprofessional services and non-transportation-related construction in which the aggregate cost or the sum of all phases is not expected to exceed \$100,000, (2) professional services in which the aggregate cost or the sum of all phases is not expected to exceed \$80,000, or (3) transportation-related construction in which the aggregate or sum of all phases is not expected to exceed \$25,000.

“Transportation-Related Construction” is a construction project that requires Virginia Department of Transportation approval.

“Written; writing; writings; in writing” shall include any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§et seq.) of Title 59.1 is or is not affixed. (*Code of Virginia*, § 1-13.32)

- B. For purposes of these Policies and Procedures, the following words and phrases shall have the meanings ascribed to them by the VPPA, as it may be amended from time to time. The definitions as of July 1, 2020 are reprinted below; however, please consult the most recent version of the VPPA to ensure the definitions have not changed.

“Best value” as predetermined in the solicitation, means the overall combination of quality, price, and various elements of required services that, in total, are optimal relative to City needs.

“Construction” means building, altering, repairing, improving, or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.

“Goods” means all material, equipment, supplies, printing, and automated data processing hardware and software.

“Nonprofessional services” means any services not specifically identified as professional services in the definition of professional services.

“Professional services” means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering.

“Responsible bidder” or *“offeror”* means a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required.

“Responsive bidder” means a person who has submitted a bid that conforms in all material respects to the Invitation to Bid.

“Reverse auctioning” means a procurement method wherein bidders are invited to bid on specified goods or non-professional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. During the bidding process, bidders’ prices are revealed, and bidders shall have the opportunity to modify their bidprices for the duration of the time period established for bid opening.

“Services” means any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

4. DELEGATED AUTHORITY

Department Heads, or their designees, have the delegated authority to make micro purchases of less than \$5,000 without prior approval from the Purchasing Department. For all purchases \$5,000 and over, a completed Purchase Requisition Form shall be sent to the Purchasing Department for procuring goods and services. Purchase Requisitions shall be submitted at least 5 days prior to need-by date for purchases over \$5,000. In the event that a Purchase Requisition is received outside of these parameters, the Purchasing Department, at its sole discretion, may waive the deadline.

5. GENERAL PROCUREMENT GUIDELINES

- A. Tax Exempt - City of Franklin is exempt from sales tax for goods/services purchased in or delivered to Virginia; however, retail sales of prepared meals, charges for lodging and purchases of goods in other states are subject to sales tax. All staff making purchases on behalf of City of Franklin, no matter the dollar amount, are responsible for ensuring that no taxes are added to tax exempt purchases. If taxes are added to an exempt purchase, the employee who made the purchase is responsible for seeing that taxes are removed, or credit received. Failure to remove taxes could result in the employee personally paying for taxes on that purchase. Tax exempt forms are available from the Purchasing Department.
- B. Any authorized online purchases shall be made from an account that is set up with tax exempt status. The Purchasing Department is the only department allowed to setup online accounts on behalf of the City. An employee’s email address may not be used to setup an online account, unless prior authorization is provided. See the Purchasing Charge Card Program Policy for details regarding purchases using the City’s PCards.
- C. Proposed purchases must be included in the City’s budget.
- D. A current IRS Form W-9 must be obtained from each vendor with which the City does business. All corporations must have an active registration with the State Corporation Commission, if required. All vendors providing a service must have a current business license and certificate of insurance.
- E. Split purchases are strictly prohibited. A split purchase is one in which the original purchase requirement for the same or similar goods or services is broken into multiple smaller purchases in order to avoid going through the formal procurement process. If the Purchasing Department deems a department to be conducting split purchasing, the Purchasing Department may require such department to go through the Purchasing Department to procure all expenditures, regardless of amount.

F. Any contract awarded that will be paid for using federal funds shall comply with all applicable federal procurement standards 2 C.F.R §§200.317-200.326. City of Franklin's Terms and Conditions for Federally Funded Projects shall be included with each contract or purchase order. Credit card payments for federal or state funded projects, must be made using a non-rebate credit card. Department PCards may not be used for this purpose. Departments should see the Purchasing Department for the proper credit card.

G. Any contract awarded that will be paid for using federal funds shall comply with all applicable federal procurement standards 2 C.F.R §§200.317-200.326. The City of Franklin's Terms and Conditions for Federally Funded Projects shall be included with each contract or purchase order. Credit card payments for federal or state funded projects, must be made using a non-rebate credit card. Department PCards may not be used for this purpose.

6. SMALL PURCHASE PROCUREMENT

Pursuant to Section 2.2-4303(G), the following guidelines shall apply to single or term contracts (i) for goods, nonprofessional services, and non-transportation-related construction in which the aggregate cost or the sum of all phases is not expected to exceed \$100,000, (ii) for professional services in which the aggregate cost or the sum of all phases is not expected to exceed \$80,000 and (iii) transportation-related construction in which the aggregate or sum of all phases is not expected to exceed \$25,000. A summary chart of these small purchase guidelines is attached as **EXHIBIT A**.

The sum of a purchase equals the total cost for all phases or terms. Example: If a contract is for 3 years, the sum of the purchase = [cost per year] x 3. This total shall be used when determining how to procure a product/service.

A. Goods, Nonprofessional Services and/or Non-Transportation-Related Construction Not To Exceed \$100,000

i. \$0.00 - \$4,999.99 (Micro Purchase)

Staff, with authority and approval of Department Head or designee to proceed, shall obtain a minimum of one (1) documented quote. Quotes must document vendor name, name of vendor's representative, date, phone number, and price quoted. Staff is encouraged, but not required, to obtain more than one quote. Staff shall make award to the vendor with the best price and shall place orders.

ii. \$5,000.00 - \$9,999.99

Staff, with authority and approval of Department Head or designee to proceed, shall solicit quotes/proposals by written means from a minimum of three (3) vendors. Once quotes are received, the staff will check and document references and certifications. The Department Head or designee will submit to the Purchasing Department a completed Purchase Requisition detailing the goods/services needed along with all the quote information and documented reference and certifications. Upon verification of funding by the Director of Finance, the Purchasing Department shall make award to the lowest responsive and responsible vendor or best value and issue a Purchase Order.

For all construction projects the Purchasing Agent shall prepare a Contract which shall be approved as to form by the City Attorney and signed by the vendor and City Manager. The Purchasing Department shall provide a copy of the Contract to the Department Head

upon execution.

iii. \$10,000.00 - \$99,999.99

Upon verification of funding by the Director of Finance, staff shall solicit quotes/proposals by written means from a minimum of three (3) vendors. Once quotes are received, the staff will check and document references and certifications. The Department Head or designee will submit to the Purchasing Department a completed Purchase Requisition detailing the goods/services needed along with all the quote information and documented reference and certifications. The Purchasing Department shall make award to the lowest responsive and responsible vendor or best value and issue a Purchase Order.

The Purchasing Agent shall prepare a Contract which shall be approved as to form by the City Attorney and signed by the vendor and City Manager. The Purchasing Agent shall also issue a Purchase Order. The Purchasing Department shall provide a copy of the Contract to the Department Head upon execution.

B. Professional Services Not To Exceed \$80,000

i. \$0.00-\$4,999.99

Staff, with authority and approval of the Department Head or designee and the Purchasing Department, shall obtain a minimum of one (1) documented proposal. Proposals must document vendor name, name of vendor's representative, date, phone number, detailed description of services to be provided and price. Staff are encouraged, but not required, to obtain more than one proposal. Once references, certifications and insurance are checked, the Purchasing Department shall prepare a Purchase Order, incorporating the vendor's proposal and the City's Terms and Conditions. The Purchase Order shall be approved by the City Manager.

ii. \$5,000.00-\$79,999.99

Department Heads or designees shall submit to the Purchasing Department a completed Purchase Requisition detailing the services needed. Upon verification of funding by the Director of Finance, the Purchasing Department shall prepare a Request for Proposals (RFP) including the City's General Terms and Conditions. RFPs shall be posted on eVA and/or the City website and may be sent to local vendors that provide the service. Proposals shall be solicited from a minimum of three (3) vendors. Department Head or designee and Purchasing Agent together shall evaluate all proposals based on criteria as set out in the RFP and then shall enter into negotiations with the offeror who, in their opinion, submitted the best proposal. Upon satisfactory negotiations, the City shall extend an offer of contract award. The Purchasing Agent shall prepare a Contract which shall be approved as to form by the City Attorney and signed by the vendor and the City Manager. The Purchasing Agent shall also issue a Purchase Order.

C. Transportation-Related Construction Not To Exceed \$25,000

Follow procedures set forth in Section 6.A. If cost is \$25,000 or greater, see Section 7.C.

7. LARGE PURCHASE PROCUREMENT

A. Goods, Nonprofessional Services and/or Non-Transportation Related Construction Where The Sum Of All Phases/Contract Periods Is Expected To Exceed \$100,000

i. Competitive Sealed Bidding: Invitation For Bids (“IFB”)

Department Heads or designees shall submit to the Purchasing Department a completed Purchase Requisition detailing the goods/services needed. The Purchasing Department shall use the information to prepare the Invitation for Bids (IFB), which shall set out the specifications and contractual terms and conditions applicable to the procurement. The IFB shall be approved by the City Attorney prior to issuance. Sealed bids shall be due to the City at a specified date and time.

After the deadline for receipt of bids, the Purchasing Department shall review all bids, shall determine the lowest responsive and responsible bidder(s), and shall recommend to the City Manager that one or more contracts be awarded to such bidder(s). The contract(s) must be approved by the City Attorney (as to form) and signed by the vendor, and the City Manager. The Purchasing Agent shall issue a Purchase Order.

Multiple contracts may be awarded only when provided for in the IFB.

Construction may be procured only by competitive sealed bidding except as defined in Section 2.2-4303D of the VPPA.

ii. Competitive Negotiation: Request For Proposals (“RFP”)

If competitive sealed bidding for goods and/or nonprofessional services is either not practicable or not fiscally advantageous to the public, the Department Head or designee may request that the Purchasing Department permit competitive negotiation for the procurement. See 7.B. below for the competitive negotiation process, with one difference: when using competitive negotiation for goods and/or nonprofessional services, the pricing/cost of services may be requested in the RFP. Pricing/cost of services may be a criterion on which the decision shall be based, but it need not be the sole or primary basis for the decision.

Construction may not be procured by competitive negotiation except as defined in Section 2.2-4303D of the VPPA.

B. Professional Services Where The Sum Of All Phases/Contract Periods Is Expected To Exceed \$80,000

Competitive Negotiation: Request For Proposals

Department Heads or designees shall submit to the Purchasing Department a completed Purchase Requisition detailing the services needed. Department Heads or designees shall work with the Purchasing Department to provide any specification or other information necessary. The Purchasing Department shall use the information to prepare Request for Proposals (RFP), which shall set out the specifications, contractual terms and conditions, and criteria used to evaluate proposals. The RFP shall be approved by the City Attorney prior to issuance. Proposals shall be due to the City at a specified date and time.

After the deadline for receipt of proposals, a committee shall evaluate all proposals based on the criteria set out in the RFP and shall determine which offeror, in their opinion, submitted the best proposal. Then, the committee shall enter into negotiations with such offeror. Non-binding estimates of total project costs (including man-hours) and/or price for services may be discussed beginning with the “negotiation stage”. Upon satisfactory negotiations with the offeror, the committee shall recommend to the City Manager that a contract be awarded to the offeror. The contract must be approved by the City Attorney (as to form) and signed by the Offeror and the City Manager. The Purchasing Agent shall issue a Purchase Order.

C. Transportation-Related Construction Where The Sum Of All Phases/Contract Periods Is Expected To Exceed \$25,000

Follow procedures set forth in Section 7.A.i.

8. ARCHITECTURAL & ENGINEERING SERVICES

City of Franklin may procure annual term contracts with multiple architectural & engineering firms using the RFP procedures set out in 7.B. above. During the contract term, projects should be distributed among the selected contractors according to demonstrated areas of experience and expertise, time for deliverables, and familiarity with like projects. All projects shall have a written task order, issued by the Purchasing Department, which clearly outlines the scope of work to include projected timeline and cost, using fair and reasonable prices, as negotiated. The fee for any single project shall not exceed \$150,000. The sum of all projects performed in one contract term (one year) shall not exceed \$750,000.

No funds shall be expended on any architectural and engineering services related to a specific capital project without prior approval by the City Manager.

9. INFORMATION TECHNOLOGY PROCUREMENT

All Purchase Requisitions and applicable specifications for information technology equipment and services, including but not limited to computers, printers, telephones, mobile devices, hardware and software, must first be reviewed by the City’s Director of Information Technology.

10. CONTRACTS AND APPROVALS

A Purchase Order shall be issued for all purchases over \$5,000 by the Purchasing Department. Other departments are not permitted to issue Purchase Orders over \$5,000. Any procurement for goods or services costing \$10,000 or more shall require a written contract. All written contracts require approval and signature by the City Attorney and City Manager. Only the City Manager has final authorization to sign any contracts, quotes or agreements regardless of amount.

Any contract amendments or change orders shall be reviewed by the Purchasing Department and approved by the City Manager and City Attorney prior to incurring additional expenses and/or completing work. No fixed-price contract may be increased by more than twenty-five percent (25%) or \$50,000, whichever is greater, without advance approval of the City Manager.

11. ELECTRONIC SUBMISSION ACCEPTANCE

The City may accept electronic submissions from vendors via eVA or other secured electronic procurement solution for all small purchases and for solicitations that use competition negotiations. Submissions shall be received by the date/time set for the deadline as listed in the solicitation.

12. RECEIPT OF GOODS/SERVICES AND PAYMENT OF INVOICES

Upon execution of a Contract or Purchase Order, the Department Head or his/her designee shall oversee the product receipt or service completion.

Upon receipt of goods/services, department shall verify that all goods/services were received and in good condition. Anything missing, damaged, incomplete or not satisfactory to the Contract shall be reported to the Vendor immediately.

The Department Head or designee shall review invoices; sign off once item(s) is/are received in satisfactory condition; and submit invoices to Accounts Payable for payment. Accounts Payable shall pay vendors following submittal by Department Head or designee of approved invoice.

All invoices shall be sent from the vendor to Accounts Payable, City of Franklin, 207 West 2nd Avenue, Franklin VA 23851 or emailed to acctspayable@franklinva.com.

13. DEBARMENT (SECTION 2.2-4321)

The City Manager may debar contractors from contracting for particular types of goods, services, insurance or construction. A debarred contractor may not enter into negotiations to contract with the City or make an offer, proposal or bid in response to a Request for Proposals, an Invitation to Bid or any other form of solicitation by the City, for supplies, services, insurance or construction. Debarment of a contractor applies to any successor company formed with the same resources, owners or stockholders as the debarred entity.

Grounds for debarment include:

- A. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
- B. Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a City contractor.
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
- D. Violation of contract provisions, as set forth below, of a character which is regarded by the board of supervisors to be so serious as to justify debarment action:
 - i. Deliberate failure, without good cause, to perform in accordance with the specifications or within the time limit provided in the contract; or
 - ii. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
- E. Any other cause the City Manager determines to be as serious and compelling as to affect responsibility as a contractor, including debarment by another governmental entity for any cause and violation of the ethical standards set forth in this chapter.

The Purchasing Department shall establish procedures for the prompt reporting, investigation and referral of matters appropriate for consideration.

The steps in the debarment process are as follows:

- A. Once the City Manager or his designee becomes aware of information that a contractor should be debarred, he or his designee shall review the information with the Purchasing Department and shall determine the minimum debarment period. The minimum debarment period shall be commensurate with the seriousness of the cause.
- B. The City shall inform the contractor of the debarment by letter signed by the City Manager and/or designee, sent certified mail, return receipt required, stating the reasoning for debarment and the minimum length of time that the contractor shall be debarred.
- C. The contractor shall have five (5) business days following receipt of the written letter in which to request a meeting with the City at which he/she shall be allowed to present written or oral evidence as to why the debarment should not occur.
- D. Upon the expiration of time for appeal, or upon the affirmation of the debarment penalty, as applicable, the City shall cause the contractor's name to be placed on the debarment list maintained in the Purchasing Department.
- E. After a contractor's minimum debarment period expires, the contractor may request in writing to the City Manager that the contractor wishes to have his name removed from the debarment list and to be reinstated as eligible to conduct business with the City. The contractor may include information supporting his reinstatement request.
- F. The City Manager or designee shall review the debarred contractor's written request and shall notify the debarred contractor of his decision concerning reinstatement within ten (10) business days of receipt of said request.

14. PREQUALIFICATION (SECTION 2.2-4317)

City of Franklin may utilize prequalification procedures as set forth in the VPPA, Section 2.2-4317.

15. DESIGN/BUILD AND/OR CONSTRUCTION MANAGEMENT (CHAPTER 43.1)

City of Franklin may enter into design-build or construction management contracts as set forth in Chapter 43.1 of the Code of Virginia.

16. EMERGENCY PROCUREMENT PROCEDURES (SECTION 2.2-4303(F))

Emergency procurement may be used to procure goods and services without the use of competitive sealed bidding or competitive negotiations. Emergency procurement may be used only in cases of emergency affecting public health, safety or welfare.

Term contracts for emergency goods and services shall be procured and kept up-to-date. It is recommended that all annual maintenance contracts contain emergency rates and clauses in them. The City shall make best efforts to use all available term, local, and cooperative contracts before using emergency procurement.

When procurement is necessary for immediate life and safety of a human being or recovery needs and when the Procurement Policy cannot be reasonably followed, after advising the Purchasing Department, the Department Head shall use the Emergency Procurement Determination Form to provide a written determination of the basis for the emergency and for the selection of the particular contractor. This written determination shall be included in the purchasing file. In addition, on the day that the contract award decision is announced (or as soon thereafter as practicable) a public notice shall be posted on the City website and/or on eVA stating that the contract is being awarded on an emergency basis, identifying that which is being procured, identifying the contractor selected, and the date on which the contract was (is being) awarded. When practicable under the circumstances, such procurement shall provide for competition and follow applicable procedures set forth in Sections 6 and 7. A purchase that may be eligible for reimbursement by FEMA or other federal funds, shall follow Section 5.G.

To the extent possible, equipment needed for emergency purposes shall be rented only, not purchased. The Federal Emergency Management Agency (“FEMA”) and other disaster recovery agencies may not reimburse the purchase of equipment.

Refer to the Code of Virginia §44-146.18:1, the Virginia Department of Emergency Management website at www.vdem.virginia.gov, and FEMA’s website at www.fema.com for additional information.

17. SOLE SOURCE PROCUREMENT (SECTION 2.2-4303(E))

In cases where only one source (vendor) is practically available to provide the goods or services being procured, sole source procurement may be used. In sole source procurement, a contract may be negotiated and awarded to the sole source provider without competition.

When sole source procurement is necessary due to a lack of availability of alternate sources for a good or service, the Department Head shall advise the Purchasing Department of the need for sole source procurement and shall document the reasons sole source procurement is necessary on the Sole Source

Justification Form. Reasonable efforts should be made to obtain other quotes on substantially similar good or services prior to making a determination. The Sole Source Justification Form shall be included in the purchasing file. A public notice shall be posted on the City website and/or on eVA stating that the contract is being awarded to a sole source provider, identifying the goods and/or services procured, identifying the contractor selected, and stating the date on which the contract is or was awarded on the day that the contract award decision is announced (or as soon thereafter as practicable). Upon award, the contract shall be processed per Section 10.

18. COOPERATIVE PROCUREMENT (SECTION 2.2-4304)

City of Franklin may participate in, sponsor, conduct or administer a cooperative procurement agreement on behalf of or in conjunction with one or more public entities provided that such cooperative procurement complies with the VPPA. Department Heads or designees shall submit to the Purchasing Department a completed Purchase Requisition detailing the goods/services needed, noting their request for use of cooperative procurement, and include the Cooperative Procurement Checklist and all attachments to the Purchasing Department for review. Contracts shall be processed per Section 10.

19. PUBLIC, ONLINE AND REVERSE AUCTIONING (SECTION 2.2-4303 (H), (I))

City of Franklin may utilize public, online and/or reverse auctioning provided that such procurement complies with the VPPA. Department Heads' requests to use public, online and/or reverse auctioning shall be handled by the Purchasing Department on an individual basis.

20. SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES (SWAM) AND DISABLED VETERANS (SECTION 2.2-4310)

City of Franklin shall not discriminate against any bidder or offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. In order to facilitate the participation of small businesses and businesses owned by women and minorities and disabled veterans in procurement transactions, City of Franklin either shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity (<http://www.dsbsd.virginia.gov>) whenever solicitations are made and/or post the solicitation on the Commonwealth of Virginia's electronic procurement website (eVA) at <http://www.eva.virginia.gov>.

21. ETHICS IN PUBLIC CONTRACTING (SECTIONS 2.2-4367 THROUGH -4377)

The provisions of Sections 2.2-4367 through -4377, relating to ethics in public procurement, shall apply to all City of Franklin procurement.

22. EXEMPTIONS FROM COMPETITIVE REQUIREMENTS

City of Franklin has determined that competition normally is either not practicable or available for purchases of the following goods and services; however at least one quote must be obtained and documented.

- a. Entertainment Services (such as bands, clowns, and amusements, etc.) provided for the City of Franklin, not to exceed \$10,000.

- b. Exhibition Rental Fees for exhibitions of historical artifacts or original works of art. (The rental fee may include charges other than the rental of the exhibition, such as transportation costs.)
- c. Training to include on and off-site training fees
- d. Dues, Subscriptions and Memberships
- e. Utility Charges
- f. Athletic Officials/Referees: Umpires, referees, and other sports officials to officiate competitive athletic and sporting events sponsored by City of Franklin Parks & Recreation. The services include observing the play, detecting infractions of rules, and imposing penalties established by the rules and regulations of the various sports.
- g. Legal Services
- h. Used and Refurbished Equipment
Used equipment, which has been previously owned and used or factory rebuilt, offered for sale “where is, as is” may be negotiated by the City. Complete information describing the item must be provided to the Purchasing Department along with the price being offered by the seller in writing. Prior to preparation of any contract or purchase order, the Purchasing Department must obtain a written statement from a person who is technically knowledgeable of the type of equipment to be purchased, normally the end user, verifying the condition of the equipment, its future usefulness, and that its purchase would be in the best interest of the City.

Upon a determination in writing that the price is fair and reasonable for used equipment meeting the City’s needs, a contract may be noncompetitively negotiated and awarded up to \$100,000.
- i. Perpetual Software and Hardware Maintenance
Competitively purchased software and hardware that requires annual maintenance and support including upgrades to keep the product current, is considered both proprietary and perpetual, as maintenance cannot be provided by anyone other than the source code or current holder. For that reason, maintenance does not require the same competitive justification as other purchases so long as the original purchase is competitive and the same company provides the maintenance, until the product is no longer utilized. Using departments must verify that the price is fair and reasonable, and that the product is still available through the current provider with each purchase.

PROCUREMENT MATRIX

EXHIBIT A

AMOUNT (\$)	TYPE	PROCESS FOR QUOTES	NO OF VENDORS SOLICITED	DECISION CRITERIA	PR REQUIRED	PO REQUIRED	CONTRACT REQUIRED		NOTES
0.01-4,999.99	GOODS, NON-PROFESSIONAL SERVICES, NON-TRANSPORTATION CONSTRUCTION	ORAL OR WRITTEN	1	BEST PRICE					
5,000.00-9,999.99	GOODS, NON-PROFESSIONAL SERVICES, NON-TRANSPORTATION CONSTRUCTION	RFQ	3	LOWEST RESPONSIVE AND RESPONSIBLE VENDOR OR BEST VALUE	X	X	Construction Projects Only		
10,000.00-99,999.99	GOODS, NON-PROFESSIONAL SERVICES, NON-TRANSPORTATION CONSTRUCTION	RFQ	3	LOWEST RESPONSIVE AND RESPONSIBLE VENDOR OR BEST VALUE	X	X	X		
100,000.00+	GOODS, NON-PROFESSIONAL SERVICES, NON-TRANSPORTATION CONSTRUCTION	IFB OR RFP	N/A	LOWEST RESPONSIVE AND RESPONSIBLE BIDDER OR BEST VALUE	X	X	X		
0.01-4,999.99	PROFESSIONAL SERVICES	WRITTEN	1	BEST VALUE	X				USE A/E TERM CONTRACTS
5,000.00-79,999.99	PROFESSIONAL SERVICES	RFP	3	COMPETITIVE NEGOTIATION BASED ON CRITERIA	X	X	OVER \$10K		USE A/E TERM CONTRACTS
80,000.00+	PROFESSIONAL SERVICES	RFP	N/A	COMPETITIVE NEGOTIATION BASED ON CRITERIA	X	X	X		UP TO \$150,000 USE A/E TERM CONTRACTS
0.01-4,999.99	TRANSPORTATION-RELATED CONSTRUCTION	ORAL OR WRITTEN	1	BEST PRICE					
5,000.00-24,999.99	TRANSPORTATION-RELATED CONSTRUCTION	RFQ	3	LOWEST RESPONSIVE AND RESPONSIBLE VENDOR OR BEST VALUE	X	X	X		
25,000.00+	TRANSPORTATION-RELATED CONSTRUCTION	IFB	N/A	LOWEST RESPONSIVE AND RESPONSIBLE BIDDER	X	X	X		

Exhibit B

Forms

- Emergency Procurement Determination Form
- Sole Source Justification Form



**CITY OF FRANKLIN
EMERGENCY PROCUREMENT
DETERMINATION FORM**

Date Awarded: _____

Vendor:

Company Name: _____ Phone: _____

Address: _____

Description of goods or services:

The reason for the selection of this particular Vendor is:

This emergency procurement determination is based on the following:

From our investigation, it was determined that the price is fair and reasonable in this particular Emergency situation.

Department Head

Date

Purchasing Agent

Date

This written determination shall become a part of the contract file. Public Notice of same shall be posted on the County's website on the day the contract award decision is announced or as soon thereafter as practicable.

CITY OF FRANKLIN
SOLE SOURCE JUSTIFICATION FORM

Date: _____ Requisition/PO # _____

Department: _____ Costs: _____

Vendor: _____

SOLE SOURCE JUSTIFICATION (Initial all that apply)

1. ___ Vendor is the original equipment manufacturer; there are no regional distributors.
2. ___ The parts/equipment are not interchangeable with similar parts or another manufacturer.
3. ___ This is the only equipment that meets the specialized needs of the department and performs the intended function.
4. ___ Detailed justification is available which establishes beyond doubt that the Vendor is the only source practicably available to provide the item or service required.
5. ___ The purchase was made under EMERGENCY circumstances as described below.

I recommend that competitive procurement be waived, and that the service or material on the attached requisition/PO be purchased as a sole source.

Signed: _____
(Department Head)

Purchasing Recommendation:

Based on the above and attached documents, I have determined this to be the source with no other vendor practicably available.

Signed: _____
(Purchasing Agent)

Date: _____